

Remarks

Claim 1 is cancelled and claim 19 is added. Claims 2 to 6, 8 and 9 are amended. Claims 2 to 19 are pending in this application of which only claims 10 and 19 are in independent form.

Claims 1 to 18 were rejected under 35 USC 102(b) as being anticipated by Homeyer et al. The following will show that added claim 19 patentably distinguishes the applicant's invention over this reference.

Claim 19 is added to make clear that, in a first method step, desired quantity prescriptions are received for an output quantity of the drive unit. Each of these desired quantity prescriptions are assigned a priority as set forth in the second method step. In a third method step, the desired quantity prescriptions are coordinated time sequenced in dependence upon their respective priorities which then leads to a resulting desired quantity prescription as a desired value for the output quantity. The desired value for the output quantity is adjusted in the last method step.

The antecedent basis for added claim 19 can be found in the applicant's disclosure starting on page 15, line 4, and continuing to page 16, line 10.

In Homeyer et al, desired value quantities for an output quantity of a drive unit are also received as noted at column 3, lines 3 to 10, of this reference. Peripheral conditions or characteristics are connected with the individual desired value

quantities and these conditions or characteristics define the realization of the desired value quantities. Depending upon the application, one or several characteristics can be connected to a desired value quantity. Characteristics of desired quantities are, for example, the required dynamic during the adjustment of the desired value quantity, the priority of the desired value quantities, the magnitude of the torque reserve to be adjusted and/or the comfort of the adjustment (please see column 3, lines 11 to 27, of Homeyer et al).

Furthermore, in the subject matter of Homeyer et al, the desired value quantities are also coordinated in order to obtain a resulting desired value quantity, for example, a resulting torque desired value (column 3, lines 49 to 56; column 4, lines 34 to 50).

The resulting desired quantity (for example, the resulting desired torque) is adjusted or realized via corresponding engine-specific actuating paths (column 4, lines 51 to 55).

Homeyer et al does not, however, disclose that feature of added claim 19 according to which the desired quantity prescriptions are coordinated in time sequence in dependence upon their respective priorities in order to form a resulting desired quantity prescription as a desired quantity for the output quantity. The input quantities, which are assigned to the desired quantities, are not used in Homeyer et al to influence the coordination of the desired quantities for forming the resulting desired value. Rather, the desired quantities in Homeyer et al are coordinated independently of the assigned characteristic quantities. This is shown with the example at

column 5, lines 49 to 65, of Homeyer et al. Here, it is explained that, in coordinator 204, the desired quantities are coordinated which are transferred from the driver command determination 200 and from the road speed controller 202. With the road speed controller switched-in, the desired torque and the predetermined torque (which had been determined by the road speed controller) are transmitted further. If the road speed controller is switched off, then the coordinator 204 permits the driver desired quantities to become effective. Furthermore, this coordinator will, for example, transmit the driver command desired torque including characteristics further when this desired torque is greater than the road speed controller desired torque. This means that the coordination of the desired value quantities takes place independently of the assigned characteristics. If the road speed controller is switched on, then the desired value quantity thereof is assumed. If the road speed controller is not switched on or if the driver command desired torque is greater than the desired torque from the road speed controller when the road speed controller is switched on, then the driver desired torque is selected as a resulting desired value quantity. In this way, the selection of the resulting desired value quantities in Homeyer et al is dependent upon the activation state of the controller itself and the magnitude of the driver command desired torque and of the road speed controller desired torque. A clear priority is thereby not assigned to the desired value quantities and also no time sequential consideration of the individual desired value quantities takes place, that is, the resulting desired torque is

not formed by a time sequential consideration of the individual desired value quantities.

The characteristic quantities of the priority or the actuating time, which are mentioned in Homeyer et al, function therefore to influence the coordination of the desired quantities as in the applicant's invention as defined in added claim 19. Rather, the characteristic quantities function to define the manner of the realization of the assigned desired value input quantities (column 3, lines 11 to 14, of Homeyer et al). This means that the characteristic quantities in Homeyer et al only indicate how the resulting desired value input quantity, for example, a resulting desired torque should be realized with the aid of engine-specific actuating quantities such as charge, ignition angle and/or injection. This affects the feature of the last step of applicant's claim 19 but not the feature thereof:

"coordinating said desired quantity prescriptions in a time sequence depending upon their respective priorities to form a resulting desired quantity prescription as a required value for said output quantity; and,"

In contrast to Homeyer et al, applicant's claim 19 provides that the characteristic quantities in the form of the priority influence also the coordination of the desired quantity prescriptions for forming the resulting desired quantity prescription as desired value for the output quantity. There is no suggestion of any kind in Homeyer et al which could lead our person of ordinary skill to the above coordinating step of applicant's claim 19.

Homeyer et al is only concerned with selecting the

characteristic as the resulting characteristic, which is assigned to that desired value input quantity, which was selected in the coordination of the desired value input quantities as resulting desired value input quantity. Alternatively, it can also be provided that, as resulting characteristic, a characteristic is to be selected, which is not necessarily assigned to the resulting desired value quantity, for example, the smallest actuating time. In this case, the desired quantities are coordinated independently of the characteristic quantities. In the first case, no coordination of the characteristic quantities takes place; rather, the characteristic quantity is simply selected as resulting characteristic quantity, which was originally already assigned to the desired value quantity resulting from the coordination of the desired value quantity. This is set forth at column 3, lines 49 to 62.

In the applicant's method as it is now defined in claim 19, the desired quantity prescriptions are time sequentially coordinated in dependence upon their respective priorities in order to form a resulting desired quantity prescription as desired value for the output quantity. This provides the advantage that all desired quantity prescriptions can flow into the formation of the desired value for the output quantity. In this way, the method of the invention is flexible and robust for expansions and changes with respect to the manner and number of requests of desired quantity prescriptions.

In contrast to the applicant's invention, the coordination of the desired value quantities in Homeyer et al does not guarantee that all desired value quantities flow into the

formation of the desired value. Accordingly, in the example at column 5, lines 52 to 65, it is shown that for a switched-on road speed controller and a driver command desired torque, which is greater than the road speed controller desired torque, the driver command desired torque including characteristics is transmitted further as a resulting desired torque so that the road speed controller desired torque does not at all influence the resulting desired torque, that is, it does not participate in the resulting desired torque.

In view of the foregoing, applicant submits that claim 19 patentably distinguishes his invention over Homeyer et al and should be allowable. Claims 2 to 9 are all dependent from claim 19 so that these claims too should now be allowable.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,



Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

Date: June 5, 2006